

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:)	Confirmation No.: 7953
Vincent H. TIEU, et al.)	Group Art Unit: 3621
Serial No. 10/712,268)	Examiner: Pierre E. Elisca
Filed: November 14, 2003)	
For: SYSTEM AND METHOD FOR)	Date: July 28, 2008
GRANTING ACCESS TO AN ITEM)	
OR PERMISSION TO USE AN ITEM)	
BASED ON CONFIGURABLE)	
CONDITIONS)	

REPLY BRIEF

Mail Stop Appeal Brief – Patents

Commissioner for Patents
P.O. Box 1450
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Sir:

The following Reply Brief is submitted in support of the appeal proceedings instituted by a Notice of Appeal filed October 15, 2007 and in response to the Examiner's Answer dated May 29, 2008. This Reply Brief is intended to supplement the Appeal Brief filed January 15, 2008 (hereinafter referred to as "Appeal Brief"). As stated in the Appeal Brief, this Appeal is taken from the rejection of claims 1-3 and 5-40.

Claim 1 recites a method for processing plural rights expressions associated with an item for use in a system for controlling use of the item in accordance with the rights expressions, the method comprising receiving a request to use the item, the item having associated rights expressions governing use of the item, returning one or more rights expressions including one or more conditions that must be satisfied in order to use the item, and processing the returned rights expressions in a manner to facilitate selection of the returned rights expressions in order to use the item in accordance with the selected rights expressions, and including prioritizing the

returned rights expressions based on the one or more conditions of the returned rights expressions, so as to facilitate selection of the returned rights expressions.

The application also includes similar system and device claims. Thus, the pending claims relate to digital rights management (DRM) technology, and include features for rights expression language (REL) interpretation and/or processing. More particularly, the claims relate to an efficient mechanism to identify applicable licenses for meeting users' requirements.

On page 4 of the Examiner's Answer, the Examiner asserts that Levitt et al. discloses the claimed feature "processing plural rights expressions associated with an item for use in a system for controlling use of the item in accordance with the rights expressions" in paragraphs [0011], [0162], and [0179].

In particular, the Examiner asserts that "the grammar expressions of Levitt is readable as a plural right expression of Applicant's claimed invention." Levitt, in paragraph [0003], defines a grammar as "a representation of the language or phrases expected to be used or spoken in a given context." Levitt uses the phrase "grammar expression" to describe phrases the system identifies as the those recognized as the phrases most likely uttered by the user of the system. For example, figure 5 and paragraph [0168] disclose a method for aiding users in getting an address recognized if there is trouble during the speech recognition process. To accomplish this, various grammars recognized from utterance components are combined to make intelligent guesses about what the user is saying.

It is abundantly clear that the grammars or grammar expressions taught by Levitt are merely phrases used in a speech recognition system for recognizing utterances received from users. Thus, Levitt merely relates to a system and method for *speech recognition*, and does not relate to digital rights management (DRM) in any noteworthy capacity.

For example, paragraph [0011] of Levitt discloses:

In operation, the grammar expressions may be played back to a user. As an option, a score may be assigned to each of the grammar expressions. As such, the grammar expressions may be prioritized and conditionally outputted to a user based on the score.

As is explained in more detail in paragraph [0173], the score is generated during the recognition process by gauging various recognition parameters. The score then represents the phrase that was most likely uttered by the speaker, such as “982 Walsh Avenue” in figure 5. This allows the system disclosed in Levitt to first output the grammar expression that the system determines was most likely uttered.

Similarly, paragraph [0162] of Levitt discloses:

FIG. 5 illustrates a method 550 for recognizing utterances utilizing the database of grammars established in FIGS. 3 and 4. In one embodiment, the utterances may be received during a telephone call from the user. In such embodiment, the user may be seeking a particular service. In the context of the foregoing example wherein the database is populated with street names, the user may be using utterances to transmit an address, name, etc. for the purpose receiving verbal driving directions. It should be noted that the present invention is not limited to the use of a database of street names. Any variety of grammars may be used per the desires of the user.

Levitt again refers only to a method for recognizing an utterance. While the utterance is not limited to street names, the method is still limited to comparing the utterance of a user with a variety of grammar expressions in order to identify what was uttered by the user. Thus, Levitt again completely fails to disclose or suggest processing plural rights expressions associated with an item for use in a system for controlling use of the item in accordance with the rights expressions.

Finally, paragraph [0179] of Levitt discloses:

Subsequently, any of the grammar expressions outputted from operation 506 are compared against the database of addresses. Any grammar expressions that are representative of invalid addresses are removed. Note operation 508. Further, such resultant list of grammar expressions are compared against a merged n-best list 518 shown in FIG. 5A. Such comparison is used to prioritize any remaining grammar expressions

based on the score set forth hereinabove. The remaining grammar expressions of the highest priority may then be outputted in operation 514.

The disclosure in paragraph [0179] refers again to a method of determining which grammar expression was most likely uttered. This example of an embodiment involves removing addresses from a “skip-list,” removing invalid addresses (such as 9082 Wallace Avenue if no such address exists) and then outputting the grammar expression that most likely matches that which was uttered. Once again, Levitt completely fails to disclose or suggest processing plural rights expressions associated with an item for use in a system for controlling use of the item in accordance with the rights expressions.

For at least the above reasons, the grammar expressions of Levitt do not control use of items as claimed, but instead are merely output to the speaker for confirmation and used to determine directions to a location. Paragraphs [0011], [0162], and [1079] completely fail to disclose or suggest processing plural rights expressions associated with an item for use in a system for controlling use of the item in accordance with the rights expressions.

In addition, on page 4 of the Examiner’s Answer, the Examiner asserts that Levitt et al. discloses the claimed feature “receiving a request to use an item, the item having associated rights expressions governing use of the item” in paragraph [0179].

As indicated in the above discussion of paragraph [0179], Levitt discloses a method of determining the grammar expression that was most likely uttered by a user. Levitt does not disclose items having rights expressions governing use of the item, nor does it disclose receiving a request to use an item. Thus, Levitt completely fails to disclose or suggest receiving a request to use an item, the item having associated rights expressions governing use of the item.

On page 5 of the Examiner’s Answer, the Examiner asserts that Levitt et al. discloses the claimed feature “returning one or more rights expressions including one or more conditions that must be satisfied in order to use the item, and processing the returned rights expressions in a manner to facilitate selection of the returned rights expressions in order to use the item in accordance with the selected rights expressions” in paragraphs [0011], [0162], and [0179].

As addressed in the above discussions of paragraphs [0011], [0162], and [0179], the disclosure of Levitt relates to a method for speech recognition and playback and in no way relates to rights to use an item, rights expressions, or the processing of rights expressions.

In view of the above arguments, and in view of the arguments previously presented in the Appeal Brief, Appellants submit that the rejection of claims 1-3 and 5-40 under 35 U.S.C. § 102(e) as being anticipated by Levitt et al. (U.S. Publication No. 2002/0099544) should be overturned, and an indication of immediate allowability is respectfully requested.

Respectfully submitted,
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